

10/585438

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference E-3010/05	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/050037	International filing date (<i>day/month/year</i>) 05 January 2005 (05.01.2005)	Priority date (<i>day/month/year</i>) 09 January 2004 (09.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant PIERBURG S.p.A.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 10 July 2006 (10.07.2006)
Facsimile No. +41 22 338 82 70		Authorized officer Agnes Wittmann-Regis
Form PCT/IB/373 (January 2004)		e-mail: pt06@wipo.int

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050037

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4
	No: Claims	1-3
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2005/050037

Reference is made to the following documents:

- D1: FR-A-2 195 271 (RENAULT ET PEUGEOT,FR) 1 March 1974 (1974-03-01)
D2: US-A-4 510 962 (MOTT ET AL) 16 April 1985 (1985-04-16)
D3: US-A-5 800 131 (LEHMANN ET AL) 1 September 1998 (1998-09-01)

1. The present application does not meet the requirements of Article 33(2) PCT, since the subject-matter of independent claim 1 is not novel.

Prior art document D1 (see Fig.1) discloses a pumping system comprising:
a pump and a user device (*not shown*) connected to said pump by a delivery conduit,
and further comprising pressure control means 14, 16 for setting said pump to a
balanced configuration to supply the oil flow demanded by said user device;
wherein said pressure control means comprise hydraulic dissipating means 14 for
imparting to the oil in a control chamber 13, forming part of said pump, a pressure P1
lower than a control pressure P;
whereby the control chamber 13 of the pump comprises a channel connecting the
control chamber 13 to an inlet 15.

Therefore, all the features of independent claim 1 are known from document D1.

2. Furthermore, document D2 taken independently of document D1 also discloses a pumping system with all the features of claim 1. Thus, this document also destroys the novelty of the subject-matter of claim 1.
3. The dependent claims 2 to 4 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, could form subject-matter which is new and involves an inventive step (Art. 33(2) and Art. 33(3) PCT), the reasons being as follows:
 - 3.1 The additional features of dependent claims 2 and 3 are also known from prior art

**WRITTEN OPINION OF THE
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International application No.

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document D1.

3.2 The additional features of dependent claim 4 are known from prior art document D3.

4. The industrial applicability of the claimed subject-matter is self-evident.

5. The attention of the applicant is also drawn to the following:

Contrary to the requirements of Rule 5.1 (a) ii) PCT, the documents D1 and D2 have not been acknowledged in the description.